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PARLIAMENTARY ENGLAND



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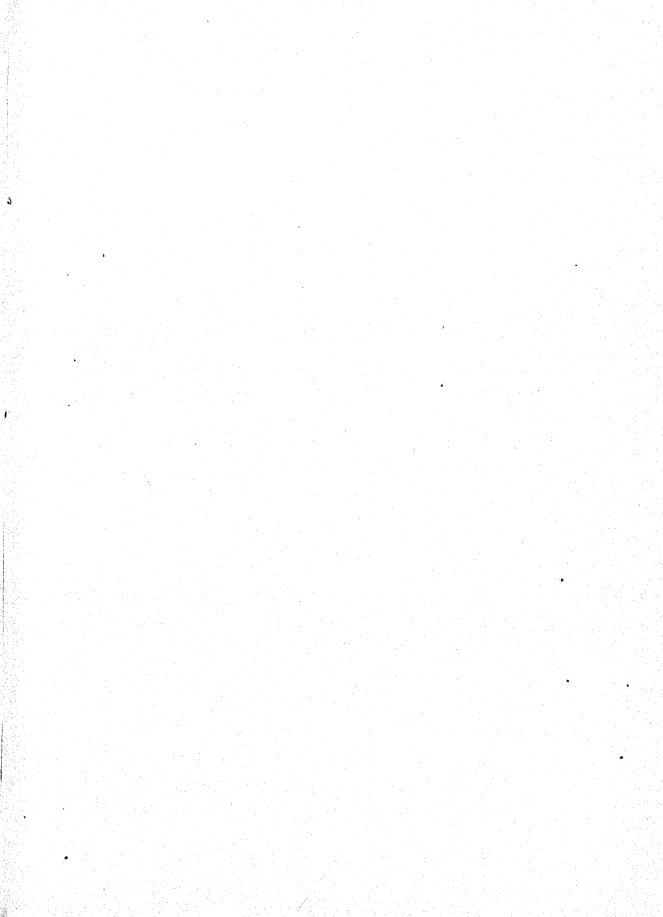
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N. 475

PARLIAMENTARY ENGLAND

THE EVOLUTION OF
THE CABINET SYSTEM

BY

EDWARD JENKS, M.A.

READER IN ENGLISH LAW IN THE UNIVERSITY OF OXFORD

FOR REFERENCE

Not to be taken out

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of India.

London

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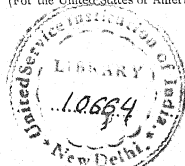
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PREFACE

A BOOK of this size, which is to deal with a century and a half of modern history, can only succeed by limiting its treatment to a single side of the national life. The author has, accordingly, chosen for his subject the evolution of that curious form of government which is known as the Cabinet System, the appearance and development of which synchronise almost exactly with the period under consideration. Whatever be the merits and defects of that system, and whatever its future fate, it must always remain a subject of deep interest to students of history, and especially to students of English history. For it has had an immense influence on the politics of the world; and it is one of the most characteristic products of the English mind. The author employs the word "English" advisedly; for it is noteworthy that neither in Scotland nor in Ireland, before the Unions, is there any trace of the Cabinet System, and, though it has been freely adopted by the self-governing colonies, there are many who doubt whether it is essentially suited to

the circumstances either of colonial or of imperial politics.

The author, though he cannot pretend to an exhaustive knowledge of the vast mass of material available for the period, has made use of the standard sources, a few of which are, for the benefit of students, enumerated in the Appendix. Among recently published authorities are especially to be noticed Sir William Anson's edition of the Grafton Papers, and Mr. Graham Wallas's admirable monograph on Francis Place, who was the soul of the democratic movement of the early nineteenth century.

The author's thanks are especially due also to Mr. C. Grant Robertson, Fellow of All Souls' College, Oxford, who has been good enough to read the proof sheets, and to Mrs. Norman Moor, for her kindness in preparing the Index.

OXFORD,
June, 1903.





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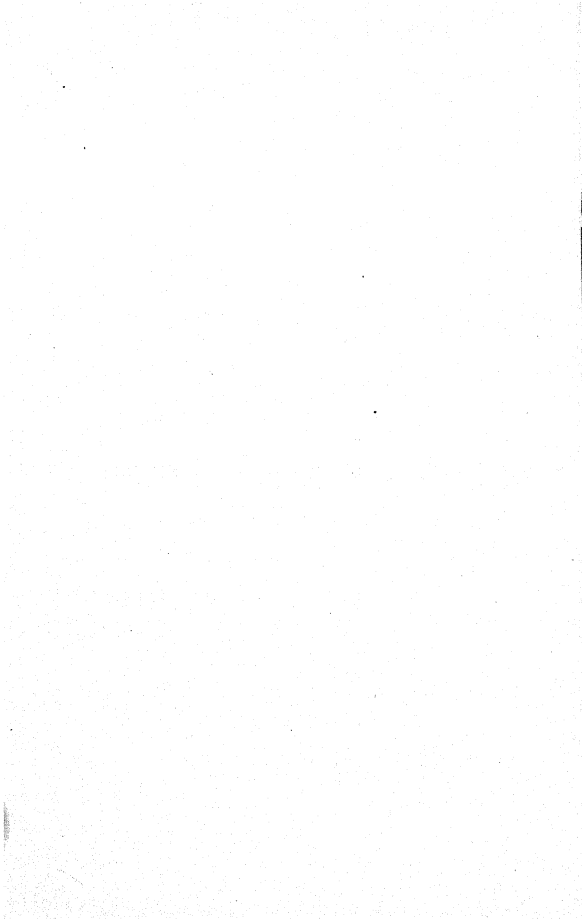
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N 475.



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PARLIAMENTARY ENGLAND

I

THE POLITICS OF THE RESTORATION

IT is the business of this book to explain how that system of government which came into force in England with the Restoration of Charles II. in 1660 was changed, in the course of one hundred and seventy years, into the system which was in force at the passing of the Reform Bill, and which, with some modifications, is in force at the present day. In the first place, therefore, it is necessary to explain how England was governed in the years which followed the return of the Stuarts.

The system of the Restoration represents, of course, the reaction after the Great Civil War. That war had been fought by people who were very much in earnest. The two irreconcilable ideals, loyalty to a person and loyalty to a faith, had clashed in the shock of battle; and victory had been given to the higher creed. Slowly, but surely, the conduct of

affairs had passed into the hands of the stern enthusiasts who cared much for principles and little for men; whose watchwords were Righteousness and Duty. Of that little band, Cromwell was the champion and spokesman; and therefore he was carried into power. But his followers dealt faithfully with him; and lost no opportunity of reminding the Lord Protector, that he held his office, not by any personal claim, but as the exponent of certain principles. Furthermore, they significantly hinted, that any trifling with carnal weakness would be followed by instant deposition. Cromwell, strong as he was, realised this perfectly well.

Such a government could continue only on one condition—that it should succeed in converting the nation to its own exalted temper. This condition the government of the Commonwealth entirely failed to perform. In spite of his superb ability, perhaps by reason of it, Cromwell remained the representative of a hopeless minority, of an aristocracy of vigour and enthusiasm; he never caught the imagination of the common man. For every one of his subjects who heard with a glow of patriotism of the great exploits of English soldiers in Europe and the Southern Seas, or watched with pride the sailing of the Protector's fleet, there were a thousand who hated him for his avowed contempt of what he called superstitions, but which they revered as the traditions of their childhood, for the taxation which his splendid army entailed, for the perfection of his police system, nay, for the very efficiency of his administration. This last cause may seem far-

fetched ; but it is not difficult to understand. In almost every system of government, there are some rules which are above the level of average practice. For example, in almost every municipal borough at the present day, there is a rule against driving on the wrong side of the road, and another against leaving horses unattended in the streets. Occasionally these rules are enforced ; but, in the majority of cases, in spite of the obvious dangers which follow from neglect of them, they are not obeyed. Any official who attempted to apply them systematically and completely would be driven from office by a storm of popular disapproval. In Cromwell's day they would have been rigidly enforced, to the intense disgust of the average man, who hates rules which interfere with his easy-going ways. Every fresh accession of knowledge which historical research reveals goes to show that the Cromwellian system was thoroughly efficient, and thoroughly unpopular.

It was, in fact, only maintained at all by the personal genius of Cromwell, who administered an impossible policy in the least impossible form. When he died, the strained bow flew back. Cowed by its recent experiences, the nation hesitated, for some fifteen months, to show its real mind. During this interval, the merest shadow dance of hollow spectres filled the stage at Westminster. But at last there came a man who laid his finger on the national pulse, and found it beating with hope of a return to the good old times, the old social and political order handed down from generation to generation, when each man knew his place and kept it, and when

neighbours could meet together without quarrelling about the condition of things' in high quarters. Most of the old grievances were forgotten—the exactions of Charles' revenue officers, the tyranny of the bishops' courts, the pressing of men for hopeless wars, the billeting of soldiers, and the like. The past was invested with a golden halo, which hid all these things from sight. The leading courtiers looked, no doubt, for place and power. The clergy hoped to return to their parsonages and their stalls. The royalist lawyers who had compromised with the enemy by confining themselves to chamber practice, and by instructing their clerks to write "Oliver" with a little "o,"¹ saw before them visions of great law-suits, and noble opportunities of forensic eloquence. All these, no doubt, had urgent reasons for desiring a Restoration. But these reasons had existed any time for ten years without bringing back the King. The real power behind Monk and the Convention Parliament of 1660, was the passionate desire of the nation to return to the good old times.

Charles and his friends must have known something of all this. As a matter of fact, Charles, like his father before him, was a representative man. The father represented the spirit which produced the Civil War—the deep religious enthusiasm, the determined, if mistaken, ideal of loyalty, the strong militant ardour which will fight a hopeless struggle rather than give way. The son represented the

¹ The story is told of Sir Geoffrey Palmer, who made a great name as a conveyancer during the Commonwealth, and who became the first Attorney-General of the Restoration.

spirit which the Civil War had produced—the disbelief in ideals, the acceptance of material comfort as the one thing really certain, the unscrupulous abandonment of principles in the face of temptation. And so Charles II. and his people were, in 1660, really suited to one another.

But it took some time to discover this truth. The King, most of whose life had been spent abroad, knew little of the people; the people knew little of the King. The real secret of Charles' security lay in the double fact, that the nation was prepared to submit to almost anything rather than re-kindle the flame of civil war, while the King was prepared to yield almost anything rather than, as he himself expressed it, set out on his travels again. But until this bond of security became apparent, the returned exiles seemed determined to profit by the stern experience of the war.

The statesman who most completely expressed this cautious policy was the Earl of Clarendon. His view of the situation was, emphatically, that of a lawyer. Every exercise of political authority since the late King left London in January, 1642, he regarded as a mere nullity. Even where it was manifestly impossible to ignore the deeds of the Commonwealth, as, for example, in the abolition of feudal tenures, he demanded that the change should be sanctioned afresh by Act of Parliament. Nay, he even required that the proceedings of the Convention Parliament itself, that very Parliament which had recalled the King, should be confirmed by its successor, because the Convention Parliament had

assembled without the royal summons. On the other hand, he professed to regard the earlier Acts of the Long Parliament, which had received the royal assent, as legally binding, though they had manifestly been forced upon the Crown in a time of revolution. Thus, he took pains to require the formal repeal of the Act which had prohibited the bishops sitting in the House of Lords, and the famous Triennial Act of 1641.

By this cautious policy, the Restoration government at first dissociated itself from the extremists on both sides. It made no attempt to go behind the Parliamentary triumphs of the reforming party, such as the Petition of Right and the abolition of the Star Chamber; and so it gave no encouragement to the high prerogative school of Strafford and Laud. But, after a little hesitation, it definitely abandoned the hopes of religious toleration held out by the Declaration of Breda, and, instead of providing a liberty for tender consciences, it strengthened the Elizabethan policy of Uniformity. It procured from the royalist Parliament of 1661 an Act which excluded all Nonconformists from municipal office, a second Act which forbade them to hold meetings for purposes of worship, and a third which prohibited their ministers acting as schoolmasters, or even residing within five miles of a corporate town. The more extreme pretensions of the old Parliamentary party, to control the choice of the King's ministers and to criticise the administration of public affairs, it studiously ignored; and it was not happy until the famous army of the Commonwealth, which was



EDWARD HYDE, EARL OF CLARENDON (1608-1674).
From an engraving after Sir Peter Lely.

justly regarded, despite its correct behaviour, as a formidable relic of Puritanism, was disbanded.

And so, to all appearance, the ancient life of England resumed its quiet course. In the country, the Puritan Justices were replaced by Cavaliers, and the Crown took care to prick as sheriffs only such men as were known to be thoroughly loyal to it. In the hands of Sheriff and Justices lay practically the whole of the rural government, except when the judges from Westminster came round on circuit. The sheriff and his officers tracked out persons accused of crime, apprehended them, and brought them before the Justices, who, if the offence charged was serious, committed them to prison, or let them out on bail, to await their trial before the judges of assize; if it was less weighty, disposed finally of the case in Quarter Sessions. The Sheriff also executed all the orders of the higher courts, hanged the criminal condemned to death, sold the goods of the debtor who would not or could not pay, and put the victorious litigant into peaceful possession of the disputed estate. The Sheriff also presided in the Small Debts Court of the shire, and, more important still, at the election of members of Parliament for the county. Even the return of borough members passed through his hands; and it was this electoral function which made the character of the sheriffs a matter of such vital interest to the Crown. For, though, in theory, the Sheriff was a mere ministerial official, yet, in fact, he had no small influence in election results. As a revenue official, also, the Sheriff still accounted for the "ferm" or dues of the shire, the profits of

wardships and escheats, treasure trove, fines for venial offences, and other casual items; though the rapidly growing army of Exchequer officials threatened to render his financial duties unimportant.

In the hands of the Justices of the Peace lay a vast miscellaneous authority, which tended to increase with every fresh development of national policy. From the beginning of their existence in the early fourteenth century, they had been specially charged with the preservation of the peace, and the punishment of petty assaults. At the break up of the medieval system of serfdom, which followed on the plague of the late fourteenth century, the regulation of the ever-increasing class of day labourers, rural and urban, was placed in their hands. It was they who enforced the stern rules against vagabondage laid down by the early Tudor statutes, and the apprenticeship policy of Elizabeth. The Age of Elizabeth had also handed over to them the control of that vast system of poor relief, which was summed up by the great statute of 1601. In each parish the poor law funds were levied and administered by the overseers, but the appointment of the overseers and the enforcement of their duties were in the hands of the Justices of the Peace. Such scanty elements of a sanitary law as the country enjoyed were likewise enforced, if at all, by the Justices.¹ The Reformation, which had brought in

¹ The student who reads the contemporary histories of this period will notice frequent references to "Commissioners of Sewers." But these officials were concerned only with the drainage of land for agricultural purposes.

its train a whole elaborate scheme of statutes, aimed at securing outward conformity to the rites of the Established Church, had left the enforcement of its policy, at any rate since the abolition of the Court of High Commission, mainly to the Justices of the Peace; and the Restoration statutes, while giving back to the ecclesiastical courts much of the jurisdiction which had been taken away from them by the Long Parliament, wisely refrained from entrusting to the clergy the carrying out of the penal laws against Roman Catholic and Protestant Nonconformists. Finally, although one of the first acts of the royalist Parliament of 1661 was, to declare that the supreme command of all the armed forces of the country was vested in the Crown, the same body expressly committed the control and management of the local militia to the Lieutenants of the counties and their deputies, who were, in fact, the most important men amongst the Justices of the Peace.

In the corporate towns, which had been the strongholds of the Puritan cause, at any rate in the later stages of the war, the King's advisers had a more difficult game to play. Although, here too, the Justices of the Peace exercised considerable authority,¹ and it was easy to ensure that they should be well affected to the Government, there existed, alongside of these, important bodies of elected officials such as mayor, aldermen, and common councillors, who, by

¹ There appears to be some little doubt whether the borough Justices were not, in some cases, elected by the inhabitants. But it is very significant that the Corporation Act of 1661 takes no precautions against them.

their power to make by-laws, their control of the town funds, and their influence in parliamentary elections, were capable of proving dangerous opponents of the Court. Stringent measures were accordingly taken to ensure the exclusion of undesirable men from such posts. Not only were all holders of office compelled to take the oaths of supremacy and allegiance; they were further obliged, upon pain of exclusion from their places, to swear that they regarded all resistance to the Crown, under whatever circumstances, as unlawful, and to declare that they held the famous Covenant to be of no binding force. But this was not all. By an almost unprecedented surrender of the rights of the subject, the Corporation Act of 1661 authorised the King to create a Commission of Visitors, who should have power, for nearly two years, to remove, at their uncontrolled discretion, all municipal officers, (whether they were willing to take the oaths or not,) whose continuance in office they deemed to be inexpedient for the public safety, and to replace them by any others who had been previously ejected. The royalist writers are, for the most part, discreetly silent about the use which was made of this extraordinary power; but, as the Corporation Act goes on to exclude from all future holding of office every person who fails to take the sacrament according to the rites of the Church of England, it can hardly be doubted that the Commission was aimed at the total exclusion of dissenters from municipal office. When we consider further the character of the Conventicle Acts of 1664 and 1670, which prohibited, under

severe penalties, all assemblies for religious worship otherwise than in the churches of the Establishment, and which, though general in their operation, must have been most severely felt in the great centres of population, and, finally, the Five Mile Act of 1665, which prohibited all Nonconformist ministers coming within five miles of a Corporate town until they had taken the oath of non-resistance, it will be easy to realise, that if the government of the Restoration did not succeed in tuning the Corporations as effectually as Elizabeth had succeeded in tuning the pulpits, it was not for lack of strenuous endeavour.

If we turn from the local authorities to the central government in London, we shall recognise the same policy of adhesion to the letter of the law, combined with a determination to keep the control of affairs in the hands of the "well-affected." His enemies said that Clarendon was no lawyer; and it may well be that his knowledge of the details of ordinary legal practice was limited. But he had an essentially legal mind; and his long study of the sham business of an exiled Court had brought him to regard forms as of the utmost importance. Now, in form, the English Constitution, at the outbreak of the Civil War, was a monarchy, in which, no doubt, the action of the King was expressly limited by certain solemn enactments, but in which every exercise of State authority was effected in the name of the King, and in which every other organ of the central authority—Parliament, Privy Council, Admiralty Board, Treasury, Chancery, even the Law Courts—was a mere satellite of the Crown, brought into existence to act as its humble

adviser and helper, not as a rival, or even as a critic of the Crown's authority. It is greatly to Clarendon's honour, that he made a practical exception to this rule in the case of the Law Courts. The subservience of the judges in the early days of the struggle between Crown and Parliament, seems to have been condemned by all moderate men; and the growing practice of appointing the judges for life, instead of merely at the pleasure of the King, was doing much to strengthen the wholesale feeling of judicial independence. Unhappily, the practice was not made compulsory until the passing of the Act of Settlement in 1700, an omission to which may be attributed many of the evils of the later days of the Stuart rule. But still, both the Commonwealth and the Restoration governments seem to have been sincerely anxious to raise the dignity of the judicial bench; and, in the many changes which took place between 1640 and 1660, there seems to have been little breach of continuity in the roll of the judges.

In all other respects, however, there was a complete break between the policy of the Restoration and the policy of the Long Parliament. The Reformers of 1640 had desired to establish a Commonwealth in which all questions of first importance should be decided by votes of the elected House, and all details of administration supervised by a Council of State which should be, in effect, a Committee of that House. Moreover, Parliament was to retain in its own hands the appointment of public officials. This was actually the system in force from the outbreak of the Civil War until the day on which Cromwell's dragoons

turned the last remnant of the Long Parliament out of doors. There had been a faint attempt to revive it on the death of Cromwell. But Clarendon would have none of it. He might have pointed out, with great force, that the system had not been able to maintain itself even during the absence of a King. He preferred to say, that the system was clearly illegal, and that, by the evidence of countless documents and forms of speech, Parliament was merely the advisory Council of the monarch in matters of legislation and taxation. It was true, that, by the same law to which Clarendon appealed, any attempt by the Crown to legislate or to tax without the consent of Parliament was condemned. But if the King did not desire to legislate or to impose taxes, he might comply with all the requirements of the law by merely calling Parliament together for a brief session once every three years.¹ Had the force of circumstances permitted, there is little doubt that Clarendon would have advised the King to keep as near this minimum as possible. In Parliament as an organ of good government, he had no belief whatsoever, even though the severe measures taken with the borough constituencies, and the exaction of the Oath of Supremacy from newly elected members, rendered it difficult for Catholics or Nonconformists to gain admission.

There was, however, one important fact, which rendered Clarendon's views on the relations of Crown

¹ The Statute of 1664, which repealed the Triennial Act of the Long Parliament, still expressly forbade the intermission of Parliament for longer than this period.

and Parliament practically untenable. This fact was, that the Civil War had destroyed the last shred of the financial independence of the Crown. With the steady fall in the value of money, and the steady growth of the expense of government, the Crown had come more and more to depend upon Parliament for the means of existence. A grant of taxation, at one time looked upon as an exceptional measure, giving ground for a strong suspicion that the monarch had been wantonly extravagant, gradually became a normal feature of every session of Parliament. The last desperate struggle of Charles I. to reign independently of Parliament had broken down before the sheer necessity of filling the royal coffers. The taxation of Cromwell had been thorough and regular; and Charles II. was not likely to be more frugal than Cromwell. Finally, the feudal revenues,¹ once the main stay of the independent income of the Crown, had been swept away by the Commonwealth government; and the Cavalier Parliament of the Restoration, much as it hated the Puritans and their ways, had not the slightest hesitation in affirming a measure which relieved the landowners from a chief part of their liabilities to the State. It is true that a liberal compensation had been granted to the Crown in the shape of an hereditary excise upon beer, wines, and spirits;

¹ These were a numerous list of casual items due to the Crown as supreme landowner in the kingdom, from all persons whose estates had originally been granted to them by the Crown, on condition of military service. They included such vexatious items as the right to the wardship of infant heirs, the values of heiresses' marriages, the privilege of seizing provisions and carts for the royal household, and the like.

and that, in pursuance of ancient precedent, the Customs Revenue had been settled on the King for life. But, in this latter gift, the Commons inserted a significant warning that no extension of the list of dutiable articles (technically known as the "Book of Rates"), much less any increase in the rates of duty, could be looked for except from the favour of the Lower House. And, as a matter of fact, before the end of the first year of his reign, Charles was obliged to come to Parliament, hat in hand, on more than one occasion.

It was the fond belief of Clarendon, that this state of things would only be temporary. Once let the enormous expense of disbanding the Commonwealth army be discharged, the accumulated debts of exile paid, the pardonable extravagances of new possession overcome, then surely the natural increase of trade under a lawful monarch would manifest itself in the increase of Customs and Excise, and all would be well. But the happy day never came. As the Court began to realise the temper of the nation, the outward decency of the early years faded before the growing spirit of reckless extravagance and immorality. In the expressive language of the time, "the pudding began to creep, and all must needs have a share." Money voted for public purposes was squandered by the King on mistresses and courtiers. The pension list grew at an appalling rate. Jobbery and robbery filled the public offices, and emptied the public coffers. The claims of the Crown were neglected, except where a large percentage of the receipts went into private pockets. The claims against the Crown were either ignored

altogether, or satisfied two or three times over. The more impudent the demand, the more likely to meet with success. To the extravagances of peace was added the cost of war. Clarendon himself reckoned, that the expense of the fleet had multiplied itself tenfold since the accession of the King's father. And yet the seamen were always clamouring for their wages.

And so it was necessary, not to extinguish Parliament, but to conciliate it. And at this point the legality of the Chancellor gave way. In strict law, he ought to have appeared as the King's representative before the Houses, and, in a formal speech, have named the sum which his Majesty desired of his faithful people. Neither Clarendon, nor Southampton (the Treasurer), nor Ashley (the Chancellor of the Exchequer), was a member of the Commons; and it was grossly unconstitutional of them, as matters then stood, to attempt to influence the debates of that House. But the risks of the old method were too great. It would not do to incur a refusal. It was necessary that Ministers should be kept in touch with the changing temper of the Commons, should be able to give assurances and promises on behalf of the Crown, and should bring to bear upon members all the Court influence which in that day meant so much. In other words, the House had to be "managed"; and the Chancellor, dignified as he was, did not disdain entirely the arts of management. But he was not an adept in the business. His practice was to summon a few of the "well-affected" members to meet himself and the Treasurer at fairly frequent intervals during the session, and to read them homilies

on the behaviour of the House. The members thus favoured, for the most part respectable Cavalier squires, did their best to follow the Chancellor's lead, but without much success. They were not supple enough ; they found a new and frivolous element in the House, an element which professed unbounded loyalty to the King, but which desired to see its loyalty openly recognised.

The opportunity thus afforded was seized by a new type of politician, or, rather, by a new development of political ambition. The professed courtier, who, in former reigns, would have shrunk from contact with anything so vulgar as the business of the Commons, now found his element in studying it. He realised very well, that the King, with his cynical selfishness, would welcome help from whatever quarter it came, and would reward it in strict proportion to its usefulness. The help which Charles needed could generally be expressed in one word—money. For money he was willing to sink his honour, his dignity, his royal position ; and he was prodigal in his favours if he had money in prospect. What was needed was a link between the Court and the House of Commons, but a link which should not be too conspicuous. It was exactly the post for an adventurer. Men like Bennet and Will. Coventry first made themselves acceptable in small offices to the King, then procured seats in the Commons by royal influence, then set themselves steadily to work to make a Court party in the House. If a member showed signs of aptitude, he was assiduously cultivated by these new missionaries, taken to kiss the King's hand, his head turned by

gracious words from royal lips and gracious glances from semi-royal eyes. He heard himself extolled as a man of the most prodigious parts, though in all probability his former friends had been stupid enough to treat him as an ordinary person. Visions of stars and titles floated before his eyes. He regarded his new friends as better guides to the royal wishes than the ostensible Ministers, who merely communicated their orders at second hand, and who never brought him within the sacred circle of royalty.

A moment's thought will show the strength of the position held by men like Bennet and Coventry. They alone knew the minds of both parties to the bargain. A few gracious and vague words from the monarch, a few profound reverences from his supporters in the House—these were the only points of direct contact between the bargainers. The real business was settled by discussions in the King's closet, and by whisperings in the lobbies of the House. But on these occasions the parties were not face to face. Everything depended on the reports of the intermediaries. What was to prevent Coventry from glossing the words of the King to the members, or exaggerating the promises of the members to the King? It was of the very nature of the transaction that misunderstandings could not be explained. The parties were at the mercy of the connecting link. And so it came about that the Commons often voted, not what the King really wished, still less what his ostensible Ministers wished, but what the Court party had been given to understand that the King wished. In other words, the

King and the Commons were puppets in the hands of unscrupulous intriguers.

But, of course, the conquest of the Commons, and even of the King, did not mean the acquisition of supreme power. So long as the great offices of State were held by men like Clarendon, Southampton, Ormond, or even like Monk, the power of the new intriguers was comparatively small. The forms of the constitution allotted the business of State among these great officials; and it had been judicially decided, as early as the reign of Elizabeth, that even the personal act of the Crown was invalid unless it was expressed by the proper official in the proper way. A royal grant of an office or pension was worthless unless it was duly authenticated by the Great Seal, the custody of which was the special privilege of the Chancellor. A royal order for payment of a sum of money was invalid unless it was supported by the warrant of the Treasurer. Charles's courtiers talked loudly of the indignity suffered by a monarch whose personal will was thus thwarted; and it may well be doubted whether even Clarendon or Southampton would actually have refused to issue the necessary forms on the personal command of the King. But they could, and did, refuse to issue them on the application of courtiers, even though that application were supported by the royal handwriting. And Charles, at any rate in the earlier years of his reign, had some faint sense of shame, which prevented him overruling the firm and (it may be) somewhat prolix remonstrances of his faithful Ministers, when he knew himself to be entirely in the wrong.

But there was a weak spot in Clarendon's armour ; and his rivals were not slow to detect it. Although the Ministers were the servants of the Crown, and were entitled, as such, to individual access to and to orders from the Crown, they could, by unquestioned law, be summoned by the Crown to take part in a general discussion in the Privy Council. Clarendon himself had recognised the necessity for a continuance, and even for a revival, of this ancient institution, if only as a counterpoise to unworthy favourites whom the Crown, from personal predilection, might invest with some of the great offices of State. He had even, with some reluctance, consented to the formation of a secret committee of the Council, for the discussion of matters of the weightiest importance, such as could not be entrusted to the entire body. But he had not foreseen that this secret committee might be used as a lever to induce the King to overrule the views of his Ministers ; and he was beyond measure disgusted when the King proceeded to admit the new political intriguers, not merely to membership of the Council, but to membership of the secret committee. Yet it was impossible to deny the constitutional right of the King to summon any of his subjects to the Privy Council ; and even Clarendon himself would have admitted the importance of keeping the House of Commons in harmony with the Executive Government. The mischief of the arrangement lay in the possibilities of abuse which it opened up ; and especially in the fact that it was really introduced by unscrupulous intriguers for their own selfish ends. One of the first results of its introduction

was, to enable Sir George Downing to procure the insertion in a Bill of Supply of the famous clause appropriating the sums voted by the Commons to specific purposes—a step which at once threatened a national bankruptcy, because it repudiated the claims of the bankers who had advanced money on the faith of the incoming revenue. Clarendon himself has left a vivid, almost a pathetic picture of the meeting at which the step was forced upon a bedridden Chancellor and a gouty Treasurer by the glib arguments of the courtiers; and the scene is really vital, for it marks the triumph of the new order over the old. Moreover, unworthy as were the motives of the propounders, the scheme was, in truth, the precursor of two fundamental institutions of English politics—the financial control of the House of Commons, and the existence of a National Bank.

The crisis came in the year 1667, when, on the death of Southampton, the King, against the strenuous remonstrances of Clarendon, refused to appoint a new Lord Treasurer, and put the Treasury into Commission in the hands of Clifford, Coventry, Ashley, and Duncombe. The first three were Parliamentary intriguers of the new type, the last a respectable country squire who, as a tool of Coventry, lent an appearance of respectability to the Treasury Board, without offering any serious check to the policy of the other members. This momentous step was followed, after a few months, by the impeachment and fall of Clarendon himself, sacrificed to the outburst of indignation aroused by the attempt of De Ruyter on London. It seems strange that so



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ANTHONY ASHLEY COOPER, FIRST EARL OF SHAFTESBURY (1621-1683)

Portrait by John Greenhill, in the National Portrait Gallery.

shrewd a man as Charles should not have seen that, in dismissing Clarendon and admitting the Cabal to office, he was really losing a servant and gaining a master. Perhaps he did see it, and did not care, believing that he would always be able to secure good terms for himself from the new rulers of the State. For, however divided amongst themselves, however innocent of principle, the new Ministers resembled a modern Cabinet in this important fact—that they hoped to govern England according to their own views, and not according to the views of the King. The initiative in policy was passing from the Crown to the Ministry. Clarendon was almost the last of the medieval type of Minister, who set devotion to the Crown as the first political duty. There was a brief revival of this older type with Danby, and a more successful, though still more belated attempt, with North. But the political gamblers of 1667, the Cliffords, the Arlingtons, the Buckinghams, the Coventrys, the Ashleys, were really the pioneers of a new system, the development of which was to be the task of English statesmanship for the next two hundred years. Their achievement is only one of many examples which seem to prove, that there is no necessary connection between morals and politics.

It is not, however, superfluous to point out, although it has been done before, that the Cabal Ministry of 1667, while it must undoubtedly be reckoned as a distinct advance towards the modern system, was yet very different from the Cabinet of the nineteenth century. Its meetings were, indeed,

secret ; it had no formal place in the Constitution ; and it was supposed to be busily engaged in wire-pulling. The name of Cabal was probably given to it for the first of these qualities, from the Italian word *Cabala* (secret society), which had been naturalised in England for nearly a century. The word "Cabinet," in an almost equivalent sense, was nearly as old. The accident that the initials of the chief members of the Ministry of 1667 happened to spell the former word, no doubt helped the title to stick, and rendered the word itself unpopular after the fall of the Ministry.

But the Cabal differed from a modern Cabinet in owning no allegiance to the majority in the House of Commons, in having no common policy, and, above all, in having no recognised head. It is not a little curious that Clarendon had, according to his own account, ostentatiously refused the suggestion, made a year or two after the Restoration, that he should assume the title of First Minister, after the model of the French system, then very much in favour with Charles and his personal friends. And it is worth noting that the shade of Mazarin afterwards took an ample revenge for the indignity, by fastening the French word "Premier" upon the English chief Minister.

Never, in fact, was there a wilder medley of inconsistent measures than the doings of the Cabal. A definite Protestant policy was expressed in the Triple Alliance of 1668, and in the Bill to comprehend Nonconformists in the Church. But a revival of the Conventicle Act in 1670 showed the power of

the High Anglicans, only to be followed by the Treaty of Dover and the public toleration and protection of Catholics by the King and his brother. The climax was reached in 1676, when the Duke of York made a formal profession of Catholicism. But this last step, although it produced a reaction which led to the passing of the Test Act in 1673, and the fall of the Cabal in the same year, did not, as it would have done a century later, find an organised Opposition ready to take office. On the contrary, it seemed to destroy the new system at a blow, and to enable the Crown to revert to the older state of things, by the appointment of Danby as Lord Treasurer.

The check was, however, only temporary. The first passionate outburst of loyalty to the Crown provoked by the Restoration had grown somewhat cold under the shadow of the corruption and debauchery which followed the fall of Clarendon. In the storm of indignation aroused by the ingeniously exploited Popish Plot, the personal popularity of Charles fell to its lowest ebb. The Parliament of 1679 outspokenly condemned the action of the Court, and carried through their impeachment of Danby in the teeth of the royal pardon. The whole country was profoundly stirred by the controversy over the Exclusion Bill, by which it was proposed to exclude the Duke of York from the succession on the ground of his religion. Once more Parliament was divided into sharply hostile parties; the supporters of the Exclusion Bill, or "Petitioners," maintaining the right of Parliament to alter, for weighty reasons, the succession to the throne, the opponents of the



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SIR WILLIAM TEMPLE (1628–1699).

Portrait by Sir Peter Lely, in the National Portrait Gallery.

measure, the "Abhorrers," stoutly asserting the indefeasible character of hereditary right. In this division reappears the old cleavage of the Civil War, with this important difference—that both parties alike accept the main outlines of the existing order, and disagree only about details. Like their predecessors, the Cavaliers, the "Abhorrers" professed special loyalty to the King, and thus anticipated the attitude of the Tories, their successors. Like their predecessors, the Puritans, the "Petitioners" thought more of principles than of men; but, unlike them, they were not prepared to abolish existing institutions. Thus they foreshadowed their Whig successors, who were loyal to the Crown, though claiming for Parliament the right to choose its wearer.

As the line of cleavage became clearer, a new band of politicians, worthy of the name of statesmen, grew up in the place of the intriguers who had caused the fall of Clarendon. The private life of Rochester was, no doubt, scandalous; but in public life he was not without principle. Sunderland was, no doubt, unscrupulous; but he was not a mere political pirate. Temple, Essex, Halifax, and Somers were men of real political worth, to whose hands the ship of State might safely be entrusted. Temple's scheme of 1679, to place all executive authority in the hands of a Council of Thirty, unworkable as this scheme was, points definitely to the consummation desired by the first political thinkers of the day. It had become clear that supreme power could be entrusted, neither to a monarch who might be an unprincipled man of



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JUDGE JEFFREYS (1648-1689).

Portrait by Sir Godfrey Kneller, in the National Portrait Gallery.

pleasure, nor to a factious House of Commons, nor to an irresponsible Junto of political gamblers. The problem was, to find some scheme which should combine the advantages of all these alternatives, while avoiding their defects. Temple's plan was obviously imperfect, for his Council had neither the unity of a single mind, nor the cohesion of a Junto, nor the stability of a representative Chamber. For long years the nation was to wander in the desert of experiment. But some of the clearer eyes began to discern the Promised Land.

The eight years which elapsed between the publication of Temple's scheme and the landing of William of Orange were fruitful in political teaching. The monarchy of the Stuarts was rapidly hastening to its doom, and revealing to an incredulous nation the possibilities of evil which lay within the power of a *jure divino* King. The shameful sale of the country to France, the tampering with the judicial bench, the persecution of the municipal corporations, the vindictive murders of Russell and Sidney, the open defiance of the Test Act, the attack on the Universities, the collection of armed troops to overawe London, the proceedings against the Seven Bishops, at last roused the patience of a nation only too reluctant to risk a revival of civil war. The invitation to William of Orange was signed by representatives of all political parties. James found himself without a friend in England. It was not, in fact, until the Revolution had been achieved, that its authors began to consider what they should do with it.



II

THE GLORIOUS REVOLUTION

AND yet, in a sense, it is profoundly true, that the final flight of James from Rochester was not in itself a Revolution, but merely the herald of a Revolution. Just as the real difficulties of the Puritans had begun with the capture and execution of James's father, so the real difficulties of the statesmen of 1688 began with the flight of James. That event had decided nothing, except that James himself could no longer occupy the throne.

Even this last fact was, for a time, disputed. So strong was the mistaken sentiment of loyalty to the person of the King, so deep the dread of a revival of the horrors of civil war, that a small but influential body of men, under the leadership of Sherlock, the Master of the Temple, urged the recall of James. But even Sherlock did not venture to propose that the fugitive should be recalled without conditions. He had himself bravely resisted the Order in Council which bade the clergy read the Declaration of Indulgence from their pulpits; and he was firm

in his attachment to Protestantism. Though the party which he represented seems to have been rather wary of defining its conditions, we gather that at least it proposed to bind the King not to exercise his claim to dispense with the operation of statutes, nor to attempt to force Catholicism on an unwilling nation. Macaulay has pointed out, with great force, the inconsistency of Sherlock's position. He represented those who had, until the last few months, urged that under *no* circumstances was resistance to the monarch lawful. Yet here he was proposing to resist until the monarch should give way on certain important points on which he (the King) conscientiously believed himself to be right. But, in truth, a weightier bar than the doubtful argument of consistency lay across Sherlock's path. How could his followers be sure that James would respect his most solemn oaths? His moral pedigree was terribly against him. Could men forget how his grandfather had thrown over his own subjects and his allies in the face of his pledged word; how his father had played fast and loose with those who had honestly striven to come to terms with him—nay, even with his own loyal and devoted followers; how his brother had taken money to carry on a war in alliance with the Dutch against France, and had then accepted money from France to desert the cause of the Dutch? No doubt the courtly clerics and nobles who acted with Sherlock were prepared to urge that Kings were not bound by all the rules of morality by which ordinary men are judged. But very few Englishmen, even in 1688, were prepared to submit

to a monarch who declined to be bound by the most solemn public promises in matters between himself and his subjects. Moreover, James had none of the personal attractions which were too often allowed to weigh against the bad faith of his predecessors, none of the homely good-nature of his grandfather, none of the dignity of his father, none of the easy tolerance of his brother. He was morose, bigoted, cruel. Though he had at one time acquired a reputation for personal bravery, recent events had thrown grave doubts upon the justice of that claim. Finally, it was more than questionable whether he himself would have been willing to make even the least of the promises which his warmest advocates proposed to ask of him. At the critical moment, indeed, he wrote a letter to the Privy Council, which would have been arrogant from a victorious ruler who held his subjects in the hollow of his hand, but which, coming from a fugitive, was simply a new testimony to his utter incapacity to grasp the situation.

A second proposal, far more specious, because far less open to obvious objection, and far more in accordance with the general character of English politics, was put forward by Sancroft, the Archbishop of Canterbury, at this time a very popular personage, from the fact that he had figured at the head of the Seven Bishops, whose acquittal on a charge of seditious libel had been the signal for the first flight of James. The Primate, though his treatment by the King had, for the time, broken down his conviction of the duty of non-resistance, shrunk from every

project which looked like a forcible deposition. After long reflection, he had matured a proposal for a Regency, a scheme which, while professedly recognising James as King *de jure*, should allow the royal powers to be exercised by a guardian to be chosen by the nation. There was more than one precedent for such a plan in English history. The kingdom had been governed by Regents during the minorities of Henry III., Richard II., and Edward VI.; there had been something of the kind during the last years of Edward II., and during the decay of Henry VI. It is true that, even in the first group of cases, in which the Regency had been exercised during the infancy of the monarch, the results had not been altogether happy. The quarrels between Hubert de Burgh and the foreign ecclesiastics, between John of Gaunt and his many rivals, between Somerset and Warwick, had convulsed the realm; and the fictitious Regencies of Mortimer and York had been even more stormy. Still, the Archbishop's proposal could not be treated as quite visionary. It appealed to a hope which dominated the minds of a large number of Englishmen—the hope that the present difficulty might be overcome without any open violation of allegiance. It was also, no doubt, acceptable to those members of Sherlock's party who saw that their own scheme was impossible at the moment; for it held out a distinct opening for the return of James at a future date. A Regency is by its nature a temporary arrangement. It presupposes a possibility that the monarch may some day reach or recover a state of



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[Walker & Cockerell.

ARCHBISHOP SANCROFT (1616-1693).

Portrait by Lutterel, in the National Portrait Gallery.

mind, in which he will be competent to exercise the powers of royalty.

The real objection to the scheme of a Regency was, that of necessity it prolonged a state of affairs which it was essential to put an end to at the earliest possible moment. Only by a violent fiction could James be said to be incapable of governing. No doubt he was incapable of governing well; but to admit that when a King ceases, in the opinion of his subjects, to govern well, he may be superseded in the exercise of his office, would have been to admit the doctrine of resistance in its most extreme form—a conclusion, it need hardly be said, abhorrent to Sancroft and his supporters. They could not long have ignored the existence of James, nor continued long to recognise a Regent who acted in constant defiance of his wishes. One of the bitterest charges brought by the Royalists against the Long Parliament had been, that it dared to use the name of the King to sanction measures of hostility against the King. But here were the legitimate successors of the Royalists proposing to do the very thing which their fathers had abhorred. The arrangement would have led to constant quarrels and doubts. It would have perpetuated a system of dual government utterly unworkable and intolerable. In fact, the elements of the system were just then in existence. There was one King at Whitehall and another at St. Germain. The supporters of Sancroft found this state of things intolerable; and they proposed to get over the difficulty by making it perpetual!

A third scheme, far more practical, if less attractive, was that of Danby, the astute but unscrupulous Minister of Charles II. Danby proposed to admit the demise of the Crown, and to assume that, by strict hereditary right, the title to the throne had descended upon Mary, the wife of William of Orange, the eldest child of James II.

There can be little doubt that, if this ingenious scheme could have secured acceptance by the nation, it would have obviated many of the difficulties attaching to the position. The chief cause of James's unpopularity was his religion; but Mary was a firm Protestant. James was morose and cruel; but Mary was gay and gentle-hearted, of blameless life, beautiful, and thoroughly English. Though as yet she had borne no children, she was but twenty-six, and, even if her issue failed, her sister Anne was the mother of a large family. She was intensely popular in Holland; and there seemed to be no reason why she should not be equally popular in England. In the reign of Elizabeth England had been glorious under the rule of a woman; and, though Mary was married to a man who certainly could not be treated as a nonentity, yet William of Orange had vast affairs on the Continent to occupy his time, and might be kept out of English politics. Danby hoped to conciliate the Whigs by his premises, and the Tories by his conclusions. He thought that the Whigs would be flattered by a recognition of the vacancy of the throne, and the Tories by a recognition of the claims of hereditary descent. He was wrong. In spite of the constitutional orthodoxy

of the expression "demise of the Crown," the Tories maintained that this demise could only take place by the death of the monarch, or, at the very least, by his voluntary resignation. The Whigs desired something more than a mere change of monarchs. Strange to say, both parties agreed to ignore a fact which, to the modern historian, seems the most effective bar to the success of Danby's scheme, viz., the existence of the little Prince of Wales, afterwards known as the Old Pretender, whose flight with his mother, on the eve of William's entry into London, had been one of the most dramatic incidents of the crisis. But, as is well known, the absurd mystery which had been spun about the event of his birth had ended by convincing a people very willing to be convinced, that the unfortunate child was no offspring of James and his wife, but a deliberate fraud upon the nation. The warming-pan theory held the field till some months had expired. And, in spite of its general unpopularity, Danby's scheme might, in the close balance of parties, have turned the scale, but for the existence of a simple fact, of a kind not infrequently overlooked by the cold calculations of politicians, but not infrequently fatal to their most crafty schemes—the loyal impulse of a woman's heart. It did not occur to Danby, that Mary might not be eager to grasp the dazzling prize held out to her.

Fourthly, in sharp contrast with the timid and fictitious schemes of Sancroft and Danby, was the bold proposal of the Whigs, who declared that James, by his conduct, had forfeited the Crown, and

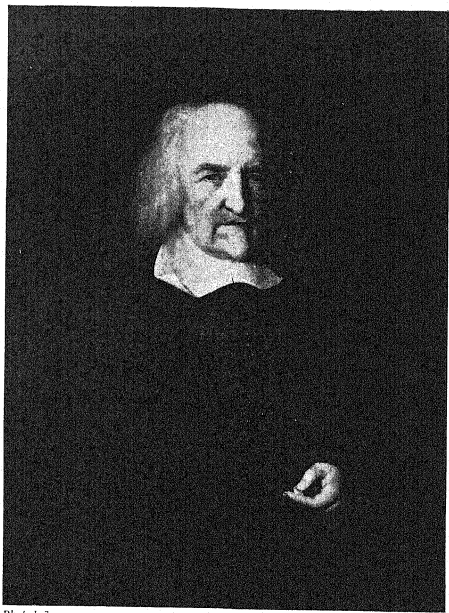


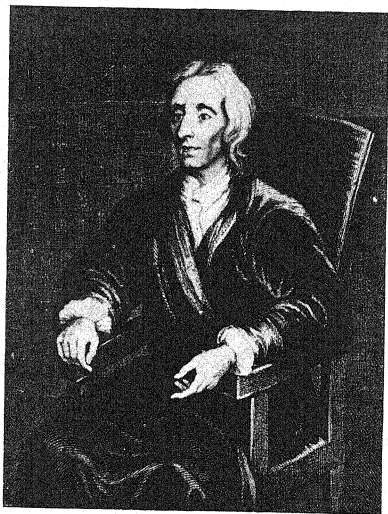
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[Walker & Cockerell.

THOMAS HOBBS (OF MALMESBURY) (1588-1679).

Portrait by J. M. Wright, in the National Portrait Gallery.

that it devolved on Parliament, as representing the nation, to bestow it upon a more worthy wearer. Forced to recognise the fact that no formal authority for such a proposition could be produced, though there was more than one precedent for it in the course of English history, the Whigs fell back upon a political theory which was then in great vogue. This was the famous doctrine of an Original Contract, by virtue of which all political society was alleged to have arisen out of an agreement, or series of agreements, between or amongst rulers and ruled. The vagueness of this theory, which, towards the middle of the seventeenth century, had almost superseded the older theories of the State, may be judged of by the fact that, in the hands of the rival parties, it led to directly opposite results in practical politics. The form adopted by the Tories was that rendered famous by Hobbes, who saw in the Original Contract a final surrender of all political power into the hands of an absolute ruler, by a number of individuals who by that act alone became a community. It is true that Hobbes admitted that this ruler need not be a single individual; but the admission was not of great value for practical purposes, for no responsible statesman in 1688 contended that the sovereign power in England was vested in the Houses without the King. And Hobbes himself, despite his alleged religious unorthodoxy, was universally recognised as the champion of Royalism. But the Whigs adopted the form of the theory stated by the illustrious Locke, who regarded the Original Contract, not so much as



JOHN LOCKE (1632-1704).
Portrait by Sir Godfrey Kneller.

an agreement between individual subjects on the one hand and the ruler on the other, as an agreement between these individuals to form a community, which should, from time to time, entrust a ruler for their benefit with certain prescribed powers, any abuse of which implicitly revoked his authority, and justified the community—not necessarily the Houses of Parliament—in appointing a successor, and in revising the terms of his appointment. Inasmuch as the Whigs had been the real instigators of the invitation to William, though men of all parties had actually signed the invitation, there could be very little doubt that their wish was to make William King. Inasmuch, also, as the choice of a Regent by Sancroft's party, if they were victorious, could hardly fall upon any one else, it might seem that the only real questions at issue were as to the respective claims of William and Mary, and the new conditions, if any, to be imposed upon the monarch. And yet the decision of these questions, as we shall see, gave rise to considerable discussion, and no little difficulty.

The first definite step towards a settlement was the voluntary assembly of about thirty peers at the Guildhall of London on December 11, 1688. This meeting, though it included the two Archbishops, was not by any means representative of the political activity of the time; but the voluntary adhesion to it of the Lord Mayor and Aldermen greatly strengthened its position, and it must certainly receive the credit of making the first attempt at reconstruction. It confined itself to voting an address to William, expressing its confidence in his

ability and willingness to serve the nation, and praying him to procure the calling of a free Parliament. The caution of its leaders was manifest in the grounds which it offered for its request, being none other than that James himself had approved of and actually initiated such a plan.¹ But it is not a little remarkable, that a close meeting, in which the Archbishops must have played such a prominent part, should have openly expressed a wish for "a due liberty to Protestant Dissenters."

Encouraged by this address, and by a warm invitation from the City of London, which immediately followed it, William summoned a meeting of about sixty peers to St. James's for December 21st, and then, having briefly requested them to take steps for the settlement of affairs, he withdrew from the room, and left them to their own counsels. In spite of this ostentatious freedom of discussion, the peers who assembled expressed a preference for Westminster as a place of debate, and resolved, in fact, to reconstitute themselves without delay as the House of Lords. Since most of the judges were out of town, they named five eminent counsel to act as their advisers on constitutional points.

The move to Westminster being immediately followed by the adhesion of thirty more peers, William determined to take a further step towards the restoration of regular government, by summoning all the surviving members of Charles II.'s Parliament, together with the aldermen and councillors of

¹ Some of the writs had actually been issued; but they were recalled by James on the eve of his second flight.

London, to St. James's, where he invited them to advise freely upon the best means to effect a speedy settlement. They, following the precedent of the peers, likewise resolved to adjourn to Westminster, and there constituted themselves a House of Commons, with a Speaker. Two days later, on Christmas Day, the peers resolved to address William, advising him to summon a regular Parliament for the 22nd of January, and, in the meantime, to act as Administrator of Public Affairs; similar resolutions were carried in the assembly of Commons on the following day. The Sherlock party made a feeble attempt in both Houses to avoid a final breach with James. In the Lords, Nottingham actually moved that the King, who was still at Rochester, should be addressed to issue writs similar to those which, a few days before, he had recalled, urging, with pedantic accuracy, that no Parliament could be "regular" which was not summoned by a King. In the Commons, Sir Robert Sawyer¹ could not conceive how it was possible for William to act as Administrator without distinguishing name or title—an objection which was overruled by the caustic remark of old Serjeant Maynard, who suggested that if the Assembly waited until Sir Robert's intelligence had solved that problem, it might have to wait long enough. In fact, there was an extremely convenient precedent, of recent date, for the Convention Parliament which the Houses

¹ The objection is sometimes attributed to Sir Robert Southwell, initials only being used in the original report. But, as Macaulay remarks, the point is far more characteristic of Sawyer, who had been a Jacobite Law Officer.

proposed to create, in the similar assembly which had recalled Charles II., and carried out the Restoration. It would have been awkward for the Tories to admit any doubts of the legality of a body which had effected such a glorious achievement, and difficult to argue that a Convention which assembled at the call of William was less powerful than one which had assembled at the call of Monk. Accordingly, it was resolved that the regular machinery should be restored as soon as possible, even though irregular means were used to restore it. And so Letters Missive of William took the place of the regular royal writs; and it is worthy of notice that these, instead of being sent to the sheriffs, as was usual, were directed to the coroners of the counties and the chief magistrates of the boroughs.¹ The elections took place without disturbance; and, on January 22, 1689, the Convention Parliament met to essay its task of settlement.

The very first step taken by each House was suggestive of the ultimate issue of its debates. The Lords chose, as temporary Speaker, the Marquis of Halifax, who, though his well-known nickname of "Trimmer" seemed to negative any decided attitude on the great question of the day, was generally suspected of Whig leanings. His unsuccessful opponent was Danby, the author of the proposal to seat Mary on the throne by hereditary right. In the Commons Henry Powle, or Powell, a well-known Whig, was chosen in opposition to Sir Edward

¹ The sheriffs had, of course, been appointed by James; the coroners and chief magistrates of boroughs were mostly elective officials.

Seymour, the great Tory squire of the west country, in spite of the fact that Seymour had openly welcomed William on his progress to London.¹

But, whatever acute observers may have augured of the final event, it soon became clear that, at any rate in the Lords' House, the Tories were not going to give way without a struggle. The first business was to provide for the temporary continuance of the administration; and both Houses agreed in requesting William to continue the task which he had so satisfactorily begun. Both Houses seem also to have agreed (for reasons which are not altogether clear) that the actual business of deliberation could not be immediately commenced. But, when the Commons appointed the 28th of January for going into Committee on the State of the Nation, a determined effort was made by the Regency party, headed by Nottingham, Clarendon, and Rochester, to bring on the debate in the Lords on the 25th, and thus to secure the advantage of priority for the plan which they hoped to be able to carry. This scheme was, however, frustrated by a combination of Danby and Halifax, who secured the postponement of the Lords' debate until the 29th. What precisely were Danby's hopes in joining in this manœuvre, it is difficult to say. But the step, formal as it may appear, was really of vital importance; for it practically left the initiative to the Commons' House.

¹ It is of this occasion that a well-known story is related. William, intending to be very gracious to Seymour, said, "I think, Sir Edward, you are of the Duke of Somerset's family." "Pardon me, Sir," replied Sir Edward, "the Duke of Somerset is of my family."

When the 28th arrived, it was clear that the Whig sentiment was in great preponderance amongst the elected representatives of the people. While there was manifested a strong dislike to any expression which could be construed into an admission that James had been deprived of, or forcibly driven from the throne, there was an overwhelming feeling in favour of taking advantage of the situation which James had himself created by his flight. A feeble plea for a Regency put forward by Heneage Finch, and a suggestion by Lord Fanshaw of a further adjournment, were fiercely overruled, and, after a few hours' debate, a form of words, illogical in itself, but acceptable from its very want of logic and clearness, was devised to meet objections of detail. It was resolved, apparently without a division, "that King James the Second, having endeavoured to subvert the Constitution of the Kingdom, by breaking the Original Contract between King and people, and, by the advice of Jesuits, and other wicked persons, having violated the fundamental Laws, and having withdrawn himself out of this Kingdom, has abdicated the government, and that the Throne is thereby become vacant." On the following day, the House also voted, *nem. con.*, "that it hath been found, by experience, to be inconsistent with the safety and welfare of this Protestant Kingdom, to be governed by a Popish prince," and further, in view of the necessary consequences of these two votes, appointed a committee, though not without opposition, to propose such guarantees as should be necessary to secure the laws and liberties of the nation.

Meanwhile, the first resolution had reached the House of Lords, where it was the subject of acrimonious debate. A powerful speech by Nottingham, in favour of the Regency plan, was opposed by the combined forces of Halifax and Danby; but Nottingham's motion, in spite of the significant absence of Sancroft, was only defeated by two votes, all the Bishops present, with the exception of London and Bristol, voting in its favour. An equally stubborn debate upon the apparently academic, but really very practical question of the Original Contract, resulted in a second defeat of the Nottingham party by seven votes. But all the persuasion of Halifax and Danby could not bring the House to agree with the Commons in declaring the throne vacant; and the majority also insisted on denying that James had "abdicated," though they were willing to admit that he had "deserted" the throne. The fact that this vote was put on the 30th of January, the sacred anniversary of Royalists, may have had something to do with deciding waverers.

The following day was observed, by agreement of both Houses, as a day of Thanksgiving for the deliverance wrought by William for the nation. On the 1st of February occurred an incident which at that time, in almost any country but England, would have been the signal for violence, viz., a tumultuous and disorderly petition, in favour of a speedy settlement, by the citizens of London. Then appeared the wisdom of the apparently formal delegation to William of the conduct of affairs during the crisis. William, acting under this mandate, directed the

Lord Mayor to issue his precept to the municipal authorities to maintain order at their peril; and the direction was promptly obeyed. The incident did not in the least interrupt the deliberate conduct of the Houses, the Commons, on the following day, resolving to support with formal reasons their refusal of the Lords' amendments.

The two Conferences between the Houses which followed this resolution are, despite the apparent technicality and tediousness of the debate, well worth a study, though it would be impossible, in the space at our disposal, to trace their history in detail. The Lords having, at the first or formal meeting, adhered to their resolutions, and the Commons having, by the decisive but not overwhelming majority of 131, decided not to accept the Lords' amendments, it was resolved, on the 5th of February, to enter upon a Free Conference, or open discussion, between the two Houses, through the agency of a deputation appointed from each. The list of managers for the Commons included the names of Maynard and Holt, two of the greatest lawyers of the day; of Sir Thomas Littleton and Mr. Sacheverel, whose reputation as debaters long survived in the House; of Hampden, grandson of the great Puritan leader, and equally daring in the cause of freedom, but less cool and judicious than his noble grandfather; above all, of Somers, the rising hope of the Whig party, then at the very outset of his great career, but already admired and trusted. For the Lords, the labouring oar was pulled by Nottingham, Clarendon, and Rochester, all of them, it will be

remembered, identified with the proposal for a Regency, Danby and Halifax remaining judiciously in the background.

It soon appeared that the acrimonious discussion on the use of the word "abdicate" was merely a screen for an uneasy doubt which had been roused in the minds of the Tories by the wording of the last resolution of the Commons. When the latter urged that the throne was vacant, did they mean to imply that the Crown of England was elective? This fatal suspicion, happily for the peace of the nation, leaked out at a comparatively early stage, through the proposal of Nottingham to amend the resolution by declaring the throne vacant only "as to King James." The fiery Sacheverel met the proposal with an emphatic negative; but Somers, eagerly grasping at the chance of a settlement, hinted, in a very judicious speech, that the Commons were in no way anxious to push consequences to an extreme, and would be quite content to solve a practical problem. The opening thus happily made was rapidly extended. In spite of a fierce protest from Clarendon, in spite of the more dangerous unwillingness of the extreme Whigs to give up their claims, Somers held on his course for a compromise; and at length Nottingham wound up the case for the Lords with a very broad hint that a basis of settlement had been reached.

It must not be supposed, however, that the Regency party had been convinced solely by the acuteness of Holt and the judicious temper of Somers. While the dispute between the two Houses had been

going on, two external facts of the greatest importance had occurred. Danby, full of confidence that his plan, for proclaiming Mary Queen by hereditary right, would not fail to commend itself to the person most concerned, sent over to Holland to assure her of his extreme devotion to what he conceived to be her interests. He was staggered to receive in reply a sharp and dignified rebuke, in which he was informed by Mary, that nothing could be more distasteful to her than a plan which would place her in a position of rivalry with her husband, and, in fact, ordered to cease meddling with matters which he did not understand. To the author of the Treaty of Dover, such a letter meant one of two things—either that the writer was an idiot, or that she had some deep-laid scheme which his efforts threatened to cross. But, whilst he was hesitating whether to regard Mary with contempt or admiration, Danby learnt that his letter, together with a copy of Mary's reply, had been put into William's hands, and he saw that his scheme was at an end.

It was now time to dispose of the Regency plan. To this end William himself summoned a few leading politicians to his presence, and delivered his sentiments. His attitude was thoroughly correct. He did not in the least dispute the right of the Houses to adopt any plan which seemed to them best for the settlement of the nation. If they thought a Regency best, he had no wish to oppose their view. But he thought it might save time if he made it quite clear that he would not act as Regent, either for James or for Mary. Danby, who was present

at the meeting, must have looked exquisitely foolish. Having no morals and very little dignity of his own, he had assumed, as fundamental axioms, that Mary would eagerly grasp the Crown, and that William would be only too glad to get anything in the way of power. Though William made no change in his courtesy of demeanour towards him, he must have known that his duplicity was open to the King's eyes, that the evidence of it was possibly at that moment in the King's pocket. He must have felt that the game was up. Every one knew that the departure of William from England must be followed by anarchy, probably by bloodshed. It was quite clear that there was nothing to be done but to proclaim William King, and to get over the legal difficulty with as much decency as possible. Halifax, indeed, declared openly for making William sole monarch; but Mary's honest friends were so indignant at this proposal that Halifax gave way, and it was agreed that William and Mary should be joint rulers, William being entrusted with the actual administration during his life. In the event of Mary having no children, the Princess Anne and her heirs were to succeed on the death of the survivor. If William survived Mary, and had issue by another wife, they were to be entitled after the failure of Anne's issue.

Only one thing more remained to be done to effect a settlement; but this one thing threatened to take time. It will be remembered that the Commons had, on the 29th of January, appointed a committee to draw up proposals for an alteration of the con-

stitution, with a view to the better security of popular liberties and the Protestant religion in the future. On the 2nd of February the committee had reported twenty-three Resolutions, to which the House added five on its own account. It was desired, (1) to declare illegal the exercise of the royal claim to suspend or dispense with the execution of statutes, (2) the existence of the Court of High Commission and others like it, (3) the attempt to levy money without the consent of Parliament, (4) the commitment of people to prison for petitioning the Crown, and (5) the raising or keeping of a standing army within the kingdom, in time of peace, without the consent of Parliament; (6) to sanction the keeping of arms by Protestants for their own defence; (7) to guarantee the freedom of elections and the security of Parliamentary privileges; (8) to provide for the frequent holding of Parliaments; (9) to prohibit the requirement of excessive bail, and the imposition of excessive fines and illegal punishments; (10) to reform the abuses of the jury system; (11) to declare void all grants of fines and forfeitures before conviction; (12) to prohibit marriage with a Papist by any member of the royal family; (13) to compel every occupant of the throne on his accession to take an oath to uphold the Protestant religion, and to reform the Coronation Oath; (14) to declare the Acts concerning the Militia grievous to the subject; (15) to secure a sitting Parliament against interruption while business remained to be done; (16) to shorten the duration of Parliaments; (17) to declare a royal pardon no

defence to an impeachment in Parliament; (18) to protect Corporations against the abuse of *Quo Warranto* proceedings; (19) to secure liberty of Protestant worship and the uniting of Protestants for public worship, "so far as may be"; (20) to modify the construction of Treason statutes, and reform trials for treasons; (21) to give judges security of tenure and salary; (22) to reform abuses in the appointment of sheriffs and the exercise of their office; (23) to abolish prosecutions by way of information; (24) to regulate Courts of Justice and the fees of office; (25) to provide against the buying and selling of public offices; (26) to permit the returns made to writs of *Habeas Corpus* and *Mandamus* to be traversed; (27) to reform abuses in the collection of the Hearth Tax and Excise.

This programme was evidently too comprehensive to be carried out in full before the settlement of the actual crisis. But it is surprising to notice how much of it was achieved within a short time. The first eleven items were immediately embodied in the Declaration of Right, on the acceptance of which William and Mary became, on the 13th of February, King and Queen of England; and these, with the addition of the 12th and 13th, were incorporated into the Bill of Rights passed in full legal form during the next session. Even before that date, other statutes had provided a new Coronation Oath, secured a limited amount of toleration for Protestant Dissenters, and abolished the hated Hearth Money. In 1694 the Triennial Act limited the duration of Parliament to three years. In 1695 a noble statute

reformed the abuses of trials for treason. The Act of Settlement in 1700 provided that no pardon should be pleadable to an impeachment, and gave the judges security of tenure. Although criminal Informations have not been abolished, a statute of the year 1692 destroyed their most objectionable feature, by compelling informers to give security for costs, and allowing expenses to successful defendants. The abuses of sheriff-process were reformed in 1716. Although no great change in the Militia system was effected until 1757, it is probable that the grievances of which the Committee complained in 1689 soon disappeared, as the Militia itself soon sank into decay. On the other hand, the demand for fixed sessions of Parliament died away, as it gradually became manifest that a dissolution might be the most popular of measures; and the demand for security of Corporations was gradually replaced by a movement for their reform. Unhappily, the sale of public offices, though already illegal,¹ continued to flourish with the consent of all parties, until the sweeping reforms associated with the great name of Burke rendered it no longer profitable, and the abuses of the Excise system fell beneath the same vigorous hand. But it is no small testimony to the sagacity of the men of the Revolution, that only in the matter of dissolution of Parliament has posterity

¹ It had been prohibited by statute in 1388, and again in 1552. In 1809 the prohibition was once more renewed, at last with effect. In the early part of the seventeenth century even the saintly Colonel Hutchinson treated the purchase of an office as an ordinary investment of money. (*Life*, p. 67.)

made any change in their policy; and it is doubtful whether anything short of a crisis such as that of 1715 could have justified the passing of the Septennial Act.

The really striking feature of the Revolution is, however, to be found, not in its details, important as these were, but in its general character. However much the defenders of hereditary right and non-resistance might disguise the fact from themselves, however willing their opponents might be to conciliate their feelings, no man could fail to see that those principles had been definitely defeated. The Revolution affirmed, in the most practical way, that disobedience to the law on the part of a monarch entailed forfeiture of the Crown, and that to the nation only did it belong to bestow that Crown elsewhere, and on new conditions. No doubt the nation, unwilling to shock long-established traditions, had sought for a successor to James among his near relations. It would have been criminal folly to do otherwise. But no doubt either can there be that, if Mary and Anne had professed the religion of their father, they also would have been passed over, and a champion sought elsewhere. It may be said that this fact involved no new principle, that Richard II. and Henry VI. had been deposed for incompetency, and Charles I. for treachery. But these changes had been effected by a violence which, in Charles's case at least, had brought swift reaction. Not a drop of English blood had been shed during the momentous events of 1688-9. Without violence or bloodshed, with a

deliberation and a formality which, if they were not technically legal, had at least all the appearance, and much of the reality, of law, the nation had solemnly asserted the doctrine that kings, like other persons, must be held responsible for their actions. It is this which entitles the Revolution to its proud epithet of "glorious."

It is, however, necessary, in estimating the character of the Revolution, to bear one caution constantly in mind. The monarchy which it established was "limited" in the strictest sense of the term ; for it was a monarchy in which the Crown was bound by strictly legal limitations. The settlement of 1689 even went so far as to contemplate an actual refusal of allegiance, in the event of a breach by the monarch of its fundamental conditions. It was solemnly provided, by the Bill of Rights, that a profession of Romanism, or even marriage with a Papist, should *ipso facto* disqualify for occupancy of the throne ; and the provision remains part of our statute law, though it is difficult to see how it could be enforced by legal methods. But of the modern conception of the monarch as the mouthpiece of the nation, expressing its will through Parliament and the Cabinet, the Bill of Rights gives no hint. There is no allusion in it, even the most distant, to that doctrine of Ministerial responsibility which we now regard as of the essence of English politics. Doubtless Halifax and Somers, and perhaps even Danby, expected to wield a good deal of power, under a master who was necessarily ignorant of English affairs. But in their wildest dreams they probably never aspired to a tithe of the

power exercised, as of course, by the Cabinet Minister of to-day. In one sense, no doubt, William of Orange was well fitted by experience to occupy the position of a British monarch of the nineteenth century. He had for some years been the first magistrate of a confederate republic, in which not merely every state, but almost every city, claimed an independence which we should now consider fatal to security and vigour in administration. But it may very well be doubted whether his experience in that capacity had at all disposed him to play a still humbler part, in a country for which he felt little affection, and which had for him little enthusiasm. His whole attitude during the crisis had negatived such an idea. Whilst professing perfect resignation to the decision of the Houses, he had plainly intimated that, if he stayed, he stayed as a master and not as a servant. That the Revolution of 1688-9 contained in itself the germs of a yet profounder Revolution, no one at the time appears to have seen.





III

THE LAST OF THE OLD ORDER

IT is hardly wonderful that the ship of State sailed uneasily in the years which followed the crowning of William and Mary. The obvious dangers which threatened her were great; the unseen dangers were greater still.

No one, of course, could for a moment suppose that James would accept his defeat with submission. A few miles from the shores of England lay the dominions of a Prince, by far the most powerful in Europe, closely allied by blood and faith with the exiled King; a Prince, moreover, who was notoriously ready to champion the cause of the oppressed, even when there was nothing but glory to be gained by the cause. To Louis XIV. the fall of James was a golden opportunity for personal aggrandisement. The steady expansion of France during the previous thirty years, the intense Royalist reaction after the troubles of the Fronde, the concentrated efforts in various spheres of activity put forward by a series of great French statesmen and warriors—Richelieu,

Mazarin, Colbert, Enghien (Condé), Turenne, Vauban, Louvois—had raised France to the proud position of pre-eminence so recently vacated by Spain; and the rulers of less successful States were becoming anxious for the security of their dominions. The power of France was all the more dangerous that it was entirely concentrated in the hands of a single man, and that man the King; while the direction which French policy was likely to take had been significantly pointed out by the revocation, in 1685, of the Edict of Nantes. The great obstacle to the success of that policy was no other than William himself, the new King of England, the soul of the Protestant league, who had consecrated his life to the task of opposing the ambition of France; for he well knew that to that ambition his beloved native land was destined to fall the next victim. It is probable that, if there was one man in Europe whom Louis dreaded, and one man whom more than all others he hated, it was William of Orange. We may easily understand, then, how gladly he welcomed the exiled Stuart, how warmly he espoused his cause, which was the cause of Catholicism, Divine Right, and Kingship, against that of Protestantism, rebellion, and unconcealed rivalry. To William and to Louis alike, it may shrewdly be guessed, the Revolution in England was but a move—important (no doubt), but only a move—in the great game which they were playing. To William it meant an ally of unknown strength: for England had almost ceased, since Cromwell's death, to count in European politics. To Louis it meant a priceless weapon in his diplomatic armoury.

The first fruits of Louis' friendship for James were, of course, the descent on Ireland. In that country there were, alas! the familiar causes of unrest, perhaps in more than usual intensity. The terrible measures of Cromwell had left abiding memories of bitter hostility to the Protestant cause. The corrupt and muddled policy of the Restoration had but added fuel to the discontent; for it had been found impossible to dispossess the Cromwellian settlers, and the wretched country had been again pillaged for the benefit of the returned Royalists. The rigid policy of Anglican orthodoxy had set the seal even more firmly than before on the Protestant ascendancy. The commercial and agricultural prosperity of the country had been stifled by the miserable policy which, in travesty of the provisions of the Navigation Act, had first forbidden the importation into England of Irish cattle and other produce, and finally excluded Ireland from the benefit of the colonial trade. It is hardly wonderful, therefore, that there was little sympathy in Ireland with the statesmen who had effected the Revolution, while there was much sympathy with James, as a Catholic who had suffered for his faith. Moreover, the troubles of the last forty years had driven many Irishmen into the service of Louis, James's ally, who was only too glad of such valuable material for his great armies. Consequently, the Irish Catholics were little likely to object to James, on the ground that he was supported by French soldiers.

It is no part of the purpose of this book to tell the story of the Irish campaign. In spite of the heroic

resistance of the Ulster Protestants, affairs went badly for the English interests, until William himself took the field. The evil traditions of Charles II.'s reign had made the army organisation a mass of corruption and inefficiency. James declared openly for a complete Irish policy. Even the Restoration settlement was to be revised: and the hatreds of long years were gratified by a sweeping Act of Attainder. But the landing of William in the summer of 1690 changed the face of affairs. The brilliant victory of the Boyne once more shattered the hopes of James, who fled from what had once been his kingdom, never to return. The stubborn resistance of isolated strongholds terminated with the fall of Limerick in the following year; and, in 1692, the complete victory of Russell over the French fleet off La Hogue wiped out the disgrace of the defeat at Beachy Head, and for the time dispersed all fears of a French invasion.

Whether this rapid relief from its most anxious fears was in truth the best thing for the nation may, however, be a grave question. So long as the country was actually threatened by a hostile force, statesmen of all parties were, in a manner, bound to stand by one another and the new King. Even those who, in their hearts, hankered after the return of James, could hardly have wished to see him return at the head of a victorious invading army. And it was certain that nothing else would cause William to yield. Indifferent to his new acquisition as he (somewhat too openly, it may be thought) professed himself to be, he had the soldier's instinct strong in him. But, with the rolling away of that

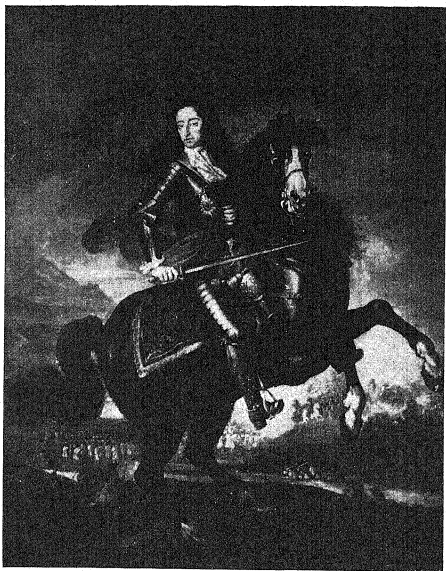


Photo by]

[Walker & Cockerell.

WILLIAM III. (1650-1702).

Portrait by Jan Wyck, in the National Portrait Gallery.

danger from without, came others, much more subtle and dangerous, from within.

Nor is it difficult to see why these dangers arose. For, all unknown to themselves, the men of the Revolution had destroyed, at least for a time, an impalpable but important factor in the working of English politics. William of Orange was incomparably the ablest ruler who had worn the Crown of England since the death of Elizabeth. He was, moreover, in spite of his somewhat repellent manners, a thoroughly upright, God-fearing, and even kind-hearted man. If his domestic morals were not so free from reproach as those of Charles I., they certainly had nothing to fear from a comparison with those of James I. and his two grandsons; and as certainly few of the English nobility of his day could afford to point the finger of scorn at him on that account. His personal bravery none could dispute. The blood royal of England ran in his veins; while his wife, who shared his throne, was actually the daughter of the deposed King. And yet, in spite of all this, he failed to win that feeling of personal loyalty which, as England was governed then, was essential to the smooth working of government. It may seem almost monstrous, that the men who would have accepted as unquestioned gospel the silliest remark of James I., or the most extravagant pretensions of his son, should have cavilled at the reasonable wishes of William; but such undoubtedly was the fact. For good or for evil, the mystery of romance which for centuries had hung around the throne, and sanctified the person of the monarch, was

gone ; and with it one of the most powerful agencies of government. It is idle to point out, that the theory of Divine Right, which supported James and opposed William, implied a divine sanction, not merely for the rights of a particular family, but for the feudal rules of descent which vested the rights of that family in a particular person. Such arguments of logic are powerless against the elusive working of the imagination ; and imagination, as every practical statesman knows, is one of the most powerful factors in politics, if not the most powerful. The Restoration which seated Charles II. on the throne had been enormously popular, because it had appealed to the national imagination ; the Revolution aroused little enthusiasm, because it appealed only to the national reason.

This is really the key to the domestic troubles which broke out immediately after the coronation of William and Mary, and lasted, with little intermission, until William was laid in his grave. The King, though his heart was, doubtless, in his great foreign schemes, set out with an earnest desire to do his duty by his new subjects. His first Ministers were chosen with rigid impartiality from all possible shades of political opinion. Nottingham's open advocacy of the Regency scheme did not bar his way to office ; he was made Secretary of State, with Shrewsbury, one of the most distinguished of the young nobility, as his colleague. Danby's bad record did not prevent him obtaining that recognition of his political importance to which his representative position entitled him. He was made President of

the Council. To Halifax William owed, perhaps more than to any other man, his triumphant position; but Halifax had to be content with the minor office of Privy Seal. The great office of Chancellor was refused both by Nottingham and by Halifax, who had the sense to admit that their professional knowledge was not equal to the task. It was accordingly put into Commission; and three lawyers of eminence (the first of them Serjeant Maynard) were appointed to execute it. A similar course was followed with the Treasury and the Admiralty; but the commissioner-ships were exclusively filled by well-known Englishmen. Even the places in the Household, with one single exception, were given to Englishmen, though William might well have claimed that his domestic officials should be his own countrymen. In the Privy Council Bentinck was the only foreigner who obtained a place. In the appointment of judges, William went far beyond anything that an English monarch had previously yielded to popular feeling, by placing the selection entirely in the hands of the Privy Council; and the honourable example which he set had the happiest consequences. None of the misdeeds of the Stuarts had been more fatal to the cause of liberty than their treatment of the law courts. From the accession of William and Mary dates the proud and almost unbroken record of integrity and dignity on the English judicial bench. Finally, the abilities and the character of Somers secured for him, in spite of his youth, the important office of Solicitor-General.

The King's treatment of his enemies was as lenient

as his choice of Ministers was constitutional. Several of the Bishops, and many of the clergy, refused to take the oath of allegiance, even though that oath had been recast in such a way as to make the smallest possible demand upon tender consciences. It will hardly be contended that it was beyond the right of Parliament to prescribe such an oath to men in the position of the Bishops, who, as peers of Parliament, were personally called upon to take part in the councils of the State. Yet there is some evidence that William offered to use his influence to induce Parliament to dispense even with the oath, in the case of prelates who were willing to exercise their public spiritual functions in a peaceful way. Even when this generous offer was rejected, the King steadily maintained an attitude of forbearance, and sternly refused to allow the extremest Whigs to resort to drastic measures. He could not, in the face of the recent Act of Parliament, treat the non-juring prelates as bishops; but for two years he allowed them to remain in their palaces, and declined to fill their vacant sees. It is more than probable that, but for the express words of the statute, he would have allowed the non-juring parish clergy to retain their livings, in spite of the fact that the policy of exacting the oaths of allegiance as a condition of holding ecclesiastical office was at least eighty years old. No personal proceedings were taken against the ejected clergy, even though many of them were strongly suspected of corresponding with James, and though they certainly consorted with notorious Jacobites. Nor was William's lenity confined to

the clergy. He had not been a year on the throne, when treason of the most unquestionable kind was brought home to Clarendon, Dartmouth, Preston, the Bishop of Ely (Turner), Ashton, and Elliott. Preston and Ashton, who were taken in the very act of carrying treasonable despatches to France, were, after trials of scrupulous fairness, condemned to death; and Ashton was executed. Preston turned King's evidence, and may, therefore, be said to have bought his life rather than owed it to William's forgiveness. But Clarendon was pardoned, Dartmouth would, probably, have received the same indulgence if he had not died in prison, Turner was allowed to escape before apprehension, Elliott was never brought to trial. No general proscription was set on foot, though the plot was known to be of wide extent; and, from first to last, in spite of the grossest provocation, William never allowed himself to be betrayed into vindictiveness against his enemies.

But no sense of gratitude or shame restrained the quarrels and turbulence of Ministers, Parliament, or clergy. The vivid pages of Macaulay reproduce for us some of the choicest examples of clerical indecency which his unrivalled knowledge of the literature of the time discovered. The insults heaped on William's new Primate, Tillotson, a man of pure, almost saintly life, were so gross, that they speedily drove the Archbishop into his grave. The non-juring Primate, Sancroft, behaved with the peevishness of a spoilt child; and did his best to render the work of the Church impossible. The smaller members of

the faction lost no opportunity of heaping insult upon their indulgent monarch. Some even travestied the sacred offices of the Church in their desire to gratify their spleen. The most odious feature of this conduct was the fact that it was often shared by men who had not sufficient courage to refuse the oaths, and who were thus guilty of a double perjury. For the four hundred resolute Jacobites who gave up their livings at the call of what they believed to be their duty, we can have but respect, even though we may deem them mistaken. But for the cowards whose consciences merely impelled them to plot against and slander the King whose sworn subjects they were, there can be nothing but contempt.

The officials of the State were no whit behind the officials of the Church. Danby, though he seems to have been faithful to the Revolution settlement, stained the high office which he held by the grossest and most shameless corruption. Nottingham and Shrewsbury, the two Secretaries of State, made William's life a burden to him by their constant quarrels; and Shrewsbury, in mere pique at what he believed to be disregard of his advice, allowed himself, whilst actually holding the seals of office, to be drawn into a treasonable correspondence with James. Mordaunt and Delamere, Whigs as they both were, could not work together at the Treasury Board, except when they were attacking Godolphin; and Godolphin, though he was entrusted with the most vital secrets of State, was justly suspected of treason. Marlborough, who was loaded with honour by William, not only did his best to create an irrecon-

cilable feud between the King and the Princess Anne, the next heir to the throne, but actually betrayed military secrets to James. Russell, the responsible head of the naval administration, not content with the immense emoluments of his office, and the lavish bounty which had bestowed on him a pension of £3,000 a year, long hesitated on the brink of treason ; and, when he finally decided against the risk, solaced his impeccable virtue with a series of fractious complaints and quarrels, which did much to destroy the results of the splendid victory of La Hogue.

But surely, if the clergy were insolent and Ministers unfaithful, William might expect support and confidence from that Parliament which had bestowed upon him the Crown, and whose care for the liberty of the subject he had honestly and cheerfully recognised ? Unhappily, neither Peers nor Commons seem to have had any appreciation of the gravity of the situation. The Whigs were bent on persecuting the Tories ; the Tories were bent on denouncing the Whigs. It proved actually impossible to turn the Declaration of Right into a statute during the first session of the Convention. Godolphin moved to insert a new clause reserving the hereditary rights of the Protestant members of James's family ; and, when the Commons refused to agree, the Lords maintained the proposal, and the Bill was lost for the session. Thus the very fundamentals of the Revolution were imperilled. Although, in the first fervour of their gratitude, the Commons voted supplies for a war against France, they refused to pass the Abjuration Bill and the Bill for a General



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[Walker & Cocherell.

THE GREAT DUKE OF MARLBOROUGH (1650-1722).

Portrait by Closterman, in the National Portrait Gallery.

Pardon, in spite of continual reminders by the King of the urgent necessity for the healing of old sores. They were perhaps right, though their motives were suspicious, in refusing to accord a formal sanction to the new practice of publishing the Votes of the House ; but they were clearly wrong in quarrelling with the law courts for venturing to question the validity of their orders in matters affecting the liberty of the subject, and they were fractiously unreasonable in compelling William to allow inspection of the records of the Privy Council. At the beginning of the year 1690 William, in despair, dissolved the Houses ; but the step only added to the dangers of the time. For the new House of Commons, which met on March 20th, contained a strong Tory majority ; and it became an open question whether the Revolution settlement could stand.

In his despair, the King determined on two steps. One of them will seem to us the most natural in the world, and, perhaps, was not very distasteful to William ; the other can only be justified by extreme public danger, and William loathed it from his soul.

When it became clear that the new Parliament would be strongly Tory, the King determined to conciliate it by getting rid of his Whig Ministers. Halifax retired, probably at his own wish ; and Danby, a strong Tory, became the most powerful official of the State. Mordaunt and Delamere were ejected from the Treasury ; and Sir John Lowther, a great Tory squire, became First Lord, and ostensible representative of the Court in the House of

Commons. For some reason, never decisively explained, Godolphin, Tory as he was, also quitted the Treasury; but the Whig Torrington was replaced as First Commissioner of the Admiralty by the Tory Pembroke, and Wharton and Sacheverel resigned from the Board. It has been hinted that, in making these changes, William did no particular violence to his feelings. Though he may be said to have owed his Crown to the Whigs, though he was constantly loyal to Revolution principles, he was, in all probability, no more of a Whig than any other ruler of his day; and he probably preferred the Tory creed, if he could win the friendship of those who professed it. There lay the rub. Could William secure the loyalty of the Tories, merely by giving office to their leaders?

Apparently, William thought not. For there was grave doubt whether the rank and file of the party would swallow the change of policy, whether they would not rather take the opportunity of their victory at the polls to act according to their genuine feelings. It could not escape a man of William's penetration that, in the House of Commons especially, there lay a grave danger of revolt. The House had been gradually learning its strength. It could not but feel that it had made the Revolution, that its conduct in the last few months had put the King to the extreme hazard of a dissolution, that in the power of the purse it held a terrible weapon over the head of a ruler to whom his Crown was valuable chiefly because it promised him the chance of carrying out his great Continental schemes, the first necessity of which was a liberal supply of funds.

With a hostile House of Commons, the dream of William's life must have for ever remained unfulfilled.

And so the King resolved to obtain by corruption what he could not hope to win by honest persuasion. In Danby, now, as has been said, his chief Minister, he found a tool ready to his hand. The man who had acted as go-between in the scandalous treaty of 1678, by which Charles II. had sold his country and his allies to the French, who had accumulated in a few years of office a fortune sufficient for the support of a dukedom,¹ was not likely to scruple at the purchase of votes in the House of Commons. But it was necessary that the delicate negotiations of the bribery market should be actually carried out by an agent in the House itself; and Danby was, of course, a peer. He selected as his mouthpiece for the purpose one of those unscrupulous men of whom a few have in every age disgraced the honourable profession of the law. Sir John Trevor, member for Yarmouth (Hants) in the new Parliament, had owed his start in life to the kindness of a relation, who had a respectable practice at the bar, and who allowed his needy kinsman the run of his chambers. Such an opening was all that was required by the acute and unscrupulous youth. With the keen instinct of the carrion crow, he had specialised in gambling, and soon became such a proficient in the law relating to that dubious calling, that his opinion was eagerly sought by disputants in the many quarrels which

¹ Danby was made Marquis of Caermarthen in 1689, and Duke of Leeds in 1694.

arose in connection with it. His shining merits had naturally attracted the notice of Jeffreys, then rapidly rising into office as the unscrupulous tool of Charles and James. Trevor became a bosom friend of the Chancellor, whom in vigour of vituperative epithet and capacity for drinking he was said soon to equal, if not to surpass. Needless to say, no scruple of conscience prevented him setting up as a rival of his distinguished patron; and it was the opinion of many shrewd observers that, if James's reign had lasted but a year or so longer, he would have ousted that patron from the woolsack. As it was, he had become a King's Counsel, then Master of the Rolls, finally, Speaker of the House of Commons in the Parliament of James. Though, naturally, somewhat under a cloud in the Convention Parliament, in which he appears to have gained a seat only by the generosity of Maynard, he had had the courage, in company with another notorious hireling, Sir William Williams, to defend the practice of bribery at elections. He was, therefore, perfectly fitted, by experience and reputation, to essay the unsavoury task of corrupting his fellow-members; and, that he might be able to do his work the more efficiently, Lowther was instructed, as representative of the Government in the House, to propose his re-election as Speaker. It is no credit to the House that, even with such a recommendation, it elected Trevor without a protest, and thus delivered itself over to an influence which many of the members must have known was of the most degraded kind. Determined not to do things by halves, Danby, two months later,

procured the substitution of Trevor for Maynard in the post of First Commissioner of the Great Seal ; and, in 1692, on the death of Powell, Trevor was reappointed to his old office of Master of the Rolls, thus filling the two inconsistent positions of superior and subordinate judge in the Court of Chancery.

If William had not shrunk from the hard necessity of stooping to measures which he loathed from the bottom of his soul, he had at least the satisfaction of finding that the desperate remedy had been effectual. The opposition to the Government ceased as if by magic. The King's regular revenue was settled upon terms which, though they did not in all respects please him, he was fain to admit were generous. The hereditary revenues of the Crown were declared to belong to him and Mary as of right. The moiety of the Excise which, at the Restoration, had been settled on Charles II. as a compensation for the loss of the feudal dues, was continued to William and Mary for their joint lives and the life of the survivor. The Customs duties were only granted for a term of four years, on the plea that a grant for a fixed period afforded a better security to the Government creditors than a grant for lives which might drop at any moment. William, not unnaturally, complained that it was hard that he should be less trusted than James, who had the Customs for life ; but was soothed by the representation that it was not he, but his successors, whom the Commons did not trust. A sum of £1,200,000 was voted for the immediate necessities of war in Ireland and against France. After some little jangling about words, a Bill was

passed to confirm all the proceedings of the Convention Parliament, and to remove any doubts which might exist about the legality of its existence. Part of the bargain with the Tories had been a new Commission of Lieutenancy for the City of London, formerly the great stronghold of the Whigs ; and the Commission received the formal approval of the House, which refused even to admit the sheriffs, who came with a petition against it. It is true that the Abjuration Bill, after being read a second time, fell on the motion to go into Committee ; but the representatives of the Government did not press the measure, and it is more than doubtful if William really wished it to pass. Finally the Pardon Bill, which William did undoubtedly desire, at last came through the Houses ; and the King was able to set out for Ireland with a reasonable hope that England would remain undisturbed during his absence. Before departing, however, he prudently prorogued the Parliament. He also appointed a Council of Nine to assist the Queen, who, by a special Act of Parliament, had been named Regent during his absence. But the fact that, in this Council, the great political parties were almost equally represented, seems to show that the modern conception of Cabinet Government was, despite the success of the new expedient, as far from William's mind as ever.

For some time, however, the effects of the experiment continued to be felt. The brilliant success of William's campaign in Ireland counteracted the depression produced by the defeat of

Torrington at Beachy Head. On his return to England, the King found himself, for the first time, really popular. The autumn session of 1690 was a halcyon period of calm. The legislative product of the period consisted of fifteen statutes. No less than five of these were Money Acts, granting in all a sum of £5,000,000 (an enormous sum in those days) towards the royal necessities. Of the remaining ten, half were measures of a distinctly "government" character, such as the two Acts for prohibiting trade with France, the Militia Act, the Mutiny Act, and the Act passed, in view of Torrington's approaching trial, for strengthening the position of the Admiralty Board. One very significant and important measure, it is true, appeared to show some distrust of the Administration. This was the Act which appointed a body of Parliamentary Commissioners to inspect the Government accounts. Unhappily, no record of the debates on this measure survives; and we are, therefore, somewhat at a loss to discover the motives which prompted it.¹ But there is no reason to suppose that the Houses were actuated by anything more than ordinary prudence in requiring an account of such a vast expenditure as they had authorised; and there is no evidence that William was at all offended by the measure, as Charles II. had been on a similar occasion. Encouraged, on the other hand, by the new spirit of friendliness, the King determined to continue his new policy, by calling Godolphin to the position of First Lord of the Treasury, Lowther

¹ It is even possible that the measure was introduced by Lowther himself.

being provided for elsewhere. Inasmuch as Shrewsbury had resigned the Secretaryship of State earlier in the year, the new appointment meant a gain of two places to the Tories. But, once more, we must be careful not to lay too much stress on the move; for Shrewsbury's place was, at the end of the year, filled by the appointment of Sidney. And Sidney, if he had any political feeling at all, was a Whig.

Again, however, in the session of 1691, the old spirit began to reappear. The cost of the French war was growing with frightful rapidity; the results hardly seemed equal to the charge. The war in Ireland was at an end; but the demands on the country's purse were as heavy as ever. The unofficial Tory members began to realise that they were being sold by their leaders, and that the plausible speeches in support of Lowther's proposals came from men who had received places and pensions at Trevor's suggestion. The Report of the Commissioners of Accounts appointed in the previous year contained startling items. Unhappily, it has not come down to us in its original form; but we know that it led to plain speaking. The House demanded details of the vast sums allotted to "secret services." It was told that the only person capable of giving the information was Jephson, the Secretary of the Treasury, and that he was just dead. The Commissioners were fain to confess that no regular accounts had been drawn up by the Exchequer for thirty years past; the Treasury officials made the lame excuse that their neglect was due to an unwillingness

to give the bankers, whom Charles II. had cheated, a legal claim against the State, by admitting liability in an official document. The practice of exacting percentages by way of fees in the public offices had grown up in the last few years, and the sudden increase in the expenditure had enormously increased the incomes of the officials. Many of them were members of the House of Commons, and thus had a direct interest in voting the taxes on which they afterwards received a percentage. Sir John Lowther was indignant at being told that he was "gagged by offices"; and, no doubt, to a man of his wealth, the mere profits of his official posts were unimportant. But it was perfectly true that, since he had been manager for the Crown in the House, his attitude on political questions had considerably changed. He even ventured to question the right of the House to inquire into the distribution of the secret service money. The House waxed indignant, and ordered the Commissioners to make a full return of salaries, pensions, and fees. Alarmed by this attitude, and thinking to strengthen their hands, the Government induced Sir Edward Seymour to join the Treasury Board. But the only result was to destroy Seymour's influence in the House.

The hostility to the war and the system of Ministerial corruption came from the independent Tories. But the Whigs were not slow to see a chance of recovering their lost ground. During the anxiety of the previous year, the question of criminal trials had been prominent. Though Preston and Ashton had been treated with scrupulous fairness, as the law

then stood, it was felt that the law itself required alteration. Historically speaking, a prosecution for crime was a mere examination by royal officials of a person already accused by the testimony of his neighbours. According to medieval ideas, there was little doubt of such a person's guilt. He was not entitled to the privilege of a defendant in a private action. No copy of his indictment was furnished to him ; for he was supposed to have heard the accusation of the grand jury. He was entitled to "challenge" or object to a certain number of the petty jury by whom he was to be tried ; but he could not demand to know, before the trial, the names of the jurors, and he was therefore unable to make any previous inquiries as to their character. He was not entitled to be represented by counsel, unless a point of law arose upon the pleadings. He could not compel witnesses to undertake the dangerous part of testifying against the Crown. In the two previous reigns the royal officials had shamefully abused the powers which the survival of these ideas had placed in their hands. The trials of Stafford, Algernon Sidney, and Lord Russell had been little less than judicial murders ; and, in Sidney's case, even the wholesome rule which required two witnesses to prove a charge of treason had been scandalously evaded. The pleasantries of Scroggs and Jeffreys on such occasions were fresh in men's memories ; and, in spite of the wholesome purging of the judicial bench, the demand for the improved tenure of the judicial office had not yet been granted. The Whigs now brought in a Bill to regulate trials for treason ; and

the measure received the approval of the independent Tories. But the Ministerial supporters talked about "embarrassing the Government"; and, by playing skilfully on the susceptibilities of the peers, who preferred to believe that their special privileges were being attacked, very nearly produced a fatal quarrel between the Houses. Bills were introduced to regulate salaries and reduce the fees of offices; but the Government managed to procure their rejection in the Lords. When, at the beginning of the year 1692, a further demand of money was made on behalf of the Crown, even the Tory members suggested that highly paid officials might well contribute a handsome subscription out of their salaries. Gradually the indignation of the independent members concentrated itself upon the support of two measures, one for the exclusion from the House of Commons of all persons holding offices or pensions from the Crown (usually known as the "Place Bill"), the other, the Triennial Bill, for limiting the duration of Parliament to three years. The object of both measures was, of course, the same; for a member whose seat was only secure for three years, was, naturally, less valuable as a supporter of the Ministry than one whose vote could be reckoned on for an unlimited time. The debates on these measures were long and heated; and at last the King, in his despair at the fatal illness of Mary, accepted the Triennial Act, though he resolutely refused to give his consent to the Place Bill.

The conduct, both of the Government and the Opposition, at this crisis, warns us that we must still

look upon the Cabinet system of administration as a plan which had not yet been accepted by political leaders of the day. Had Lowther and his friends regarded themselves as dependent upon the support of the House of Commons, they must have resigned when the two Bills were carried in the teeth of their strongest protests. Had the Whigs regarded themselves as the exponents of such a system, they would never have urged measures which, as they must have seen, would have been fatal, or almost fatal, to its success. In so far as the principle upon which such system must be based was understood at all, it was regarded with dislike by both parties. "All debates should be in Council, now all things are huddled up," said Sir John Thompson, the Tory member for Gatton. Howe, who was then an extreme Whig, if not a Republican, attributed the rejection of the Place Bill to "parties in Council."

Nevertheless, the inexorable logic of circumstances seemed to be bringing about this result. The Whigs stoutly protested that their measures were directed, not against the King, but against the King's Ministers. They were, really, far more in sympathy with William's personal views than were William's own servants. They approved of the French war, on which William's heart was set; they hated, as he did, the exclusive pretensions of the Established Church. During the sessions of 1693 and 1694 they had coalesced into a well-disciplined force, under leaders of great ability—Somers, who was made Lord Keeper in 1693, Russell, the victor of La Hogue

Wharton, the prince of wire-pullers, Montagu,¹ the founder of the Bank of England, whose great financial talents had given him, though a Whig, a seat at the Treasury Board, even when the Tories predominated. In the following year came the exposure of those corrupt practices, the existence of which had so long been suspected. Danby, now Duke of Leeds, was convicted of gross corruption over the renewal of the East India Company's charter. Trevor, the organ of corruption in the Lower House, was proved to have received a bribe of a thousand guineas to forward a private Bill promoted by the City of London—a Bill, moreover, which seems to have perpetrated a gross injustice at the expense of helpless poverty. He had to submit to the unique disgrace of putting, as Speaker, the vote for his own condemnation. Further inquiries led to the revelation of a wholesale system of corruption. Nottingham, Sir Thomas Cooke, and Sir Basil Firebrace were implicated in the East India scandals. The management of the army was equally corrupt. Several regimental agents were committed to the Tower for embezzlement. Colonel Hastings was cashiered. Three of the Hackney Coach Commissioners were removed for corruption; and Henry Guy, Jephson's successor in the perilous post of Secretary to the Treasury, was sent to prison.

¹ On the extinction, in 1700, of the titles of the Marquis of Halifax (Savile), William, with thoughtless disregard of the perplexities of the future student of history, created Montagu Baron Halifax. The new baron was made an earl in 1714, but he never acquired the title of Marquis.



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CHARLES MONTAGU (HALIFAX) (1661-1715).

Portrait by Sir Godfrey Kneller, in the National Portrait Gallery.

It is to this crisis, if we are to accept the general view of historians, and to the advice of the elder Sunderland, that we owe the definite adoption of the Cabinet system of government. The claim is so startling, and so inherently improbable, that it is worth while to devote a little time to the examination of it.

In the first place, it may be pointed out that, of all men in the world, Sunderland appears to have been the least likely author of such a suggestion. His political career proves him to have been a mere office-seeker of the most unscrupulous type. He made his entry into politics by the degrading process of courting Charles's mistresses. His special patron was the Duchess of Portsmouth; and, when her influence did not succeed in procuring for him the honours and rewards which he deemed to be justly due to his merit, he had no hesitation in coquetting with the supporters of Monmouth, and even furthered the negotiations with the Prince of Orange. His zeal for Protestantism induced him to vote for the Exclusion Bill; but, in the reaction which followed the Popish Plot, he changed completely round, and, on the accession of James, openly declared himself a Catholic, having first, with devilish heartlessness, procured the apostasy of his eldest son, by way of experiment. He was darkly suspected of having ensured the doom of Monmouth, his former friend, by treachery of the most fiendish kind; and it is quite certain that he accepted bribes from the French King to betray his country. But he could not even be true to his new masters. While he was actively supporting the worst

excesses of Popery and arbitrary power, he was actually engaged once more in correspondence with William ; and, in order to shield himself from suspicion, he did not scruple to prostitute his own wife to his own uncle, then British Ambassador at the Hague. Of all the political figures of the age, he is the most treacherous, the most hypocritical, the most scandalous, the most utterly despicable.

And yet it is true that, before the year 1695, Sunderland had returned to England from that voluntary exile which, at the Revolution, alone saved him from the just vengeance of the men whom he had duped and betrayed. Presuming upon William's mildness of temper, he had, in defiance of his express exclusion from the Act of Pardon, slunk back into the House of Lords, and even into the palace. It is, unhappily, true that William condescended to listen to his advice ; and it may be true, that Sunderland recommended to the King to admit more Whigs into office. But for such advice there was a very obvious and personal reason. Sunderland was despised and disliked by the Whigs ; but the Whigs did not thirst for his blood. They had never trusted him ; and his evil conduct in James's reign had but strengthened their cause. Moreover, he had rendered powerful direct services to William at the time of the Revolution ; and, odious as these services were, no Whig could deny their value. But by the Tories, and, still more by the Jacobites, Sunderland was loathed and hated ; while to James himself he was that most abhorred of all creatures, an apostate from Romanism. His life would not have been worth a day's purchase

if a turn of the wheel had restored the Stuarts. And Sunderland knew enough to fear that a Tory Ministry might end in the recall of James.

Moreover, there is little in the actual events of the period which justifies the contention that it marks the inauguration of Cabinet government. A mere enumeration of the chief official changes during the years 1693-5 is enough to dispel the suggestion that the doctrine of Ministerial responsibility was accepted by the King. There was much shuffling of offices in the spring of 1693. As we have said, Trevor was rewarded for his unclean services with his old post of Master of the Rolls, then vacant by the death of his rival, Powell. Russell was dismissed from the Admiralty; and the Admiralty Board, when reconstituted, included the unquestionably Tory names of Lowther, Killegrew, Delaval, and Rich. On the other hand, the great Whig leader, Somers, was made Lord Keeper at the same time; and the Tory Nottingham was replaced, as Secretary of State, by the Whig Trenchard. A similarly impartial redistribution took place in the following year. Russell was, it is true, restored to the Admiralty; and Fox and Montagu, both strong Whigs, received places at the Treasury Board, Montagu being, soon afterwards, made Chancellor of the Exchequer. But the Whig proclivities of Montagu and Fox at the Treasury were more than counter-balanced by the presence of Godolphin, who did not retire till 1697; and even the scandalous revelations of 1695 did not prevent Danby retaining the great office of Lord President of the Council. In truth, as



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LORD SOMERS (1651-1716).

Portrait by Sir Godfrey Kneller, in the National Portrait Gallery.